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SUBJECT: PARLIAMENT PASSES WOMEN'S RIGHTS BILL GRANTING
PROPERTY RIGHTS, ABORTION ACCESS

REF: 01 KATHMANDU 2041

1. Summary. Nepal's lower house of Parliament passed a bill March 14 granting women more equitable property rights, legalizing abortion under certain conditions and dictating stricter penalties for child marriage, polygamy and rape. Although the law failed to pass the upper house in late 2001, its second passage in the lower house was constitutionally sufficient for enactment. Members of Nepal's largest minority party felt the law did not go far enough in granting women equal property rights - especially because women will still be required to return inherited property on their wedding day - but put aside these objections in order to get the bill's other measures on the books. The minority party plans to introduce further amendments during the next session of parliament, but will likely have difficulty getting them past the Nepali Congress Party majority. End Summary.

Abortion Law Loosened, Inheritance Restrictions Lifted

2. Nepal's lower house of Parliament on March 14 passed an amendment to the Civil Code that grants women more equitable property rights, legalizes abortion under certain conditions, and provides harsher penalties for child marriage, polygamy and rape. The bill's most controversial provision requires daughters to return inherited parental property if they get married. A similar bill passed the lower house October 10, 2001 (Reftel), but was defeated in the upper house. Since the bill has now been passed by the lower house twice, under Nepal's constitution, upper house endorsement will not now be required. The bill will next go to the Royal Palace and will take effect immediately upon receiving the King's assent.

Minority Party Accepts Less-Than-Perfect Bill

3. In voting for passage, minority party MPs put aside reservations that measures in the bill related to female property rights did not go far enough. Opposition MP Pradeep Kumar Gyawali (CPN-UML) from Gulmi district said that his party opposed the provision requiring daughters to return their inheritance after marriage, but voted for passage anyway to reap the benefits of the bill's more positive features. A female member of the upper house agreed, citing the importance of passing measures related to abortion and the property rights of divorced women, which Nepali law had not previously addressed. In general, the government was not in favor of giving equal rights to women, she added. The punishment in rape cases has been doubled, several UML parliamentarians noted with approval.

4. UML leaders plan to propose an amendment in the next session of parliament specifying that sons and daughters share equally in parental property, and permitting daughters to keep their inheritance after marriage.

5. Ruling Nepali Congress Party (NCP) Chief Whip, Tek Bahadur Chokhal, viewed the bill as a move in the right direction. Its "good points" included legalizing abortion with the consent of the husband, on medical grounds, or in the case of rape. The new law will allow a woman to keep a share of the family's property after a divorce, which was also a positive step. Predictably, Chokhal noted the provision granting female children the right to inherit parental property, but less enthusiastically.

Comment

6. The new law is unlikely to satisfy women's rights activists who were lobbying for equal treatment under the law. Moreover, given that the NCP maintains a clear majority in the more powerful lower house, near-term prospects for further efforts to rectify the civil code's gender bias remain dim.

MALINOWSKI